

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

STICHTING PENSIOENFONDS ABP,	)	Case No. 12-cv-1381 (ADM/TNL)
	)	
Plaintiff,	)	
	)	<b>MOTION TO DISMISS THE</b>
v.	)	<b>AMENDED COMPLAINT</b>
	)	
ALLY FINANCIAL INC., f/k/a	)	
GMAC, LLC, et al.,	)	
	)	
Defendants.	)	

Defendants Ally Financial Inc., Ally Securities LLC, IB Finance Holding Company, LLC, GMAC Mortgage Group, LLC, and Ally Bank hereby move the Court, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss the claims against them in the Amended Complaint for failure to plead fraud with particularity and for failure to state a claim upon which relief can be granted.

This motion is based upon a memorandum of law submitted herewith and all of the files, records, pleadings and arguments of counsel.

Dated: March 11, 2013.

**TIMOTHY D. KELLY, P.A.**

By: s/ Sarah E. Bushnell

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